

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA.

(S-1) 11 Cr. 6/4 (VM)

-against-

**SURETY AFFIDAVIT**

ALPHONSE TRUCCIO, et al.

**Defendants.**

PAUL CONTE, being duly sworn, deposes and says:

1. On September 12, 2011, I signed a \$3,000,000 bond as a suretor in *United States v. Alphonse Trucchio*, 11 Cr. 12-3 (RMB), securing defendant Trucchio's release on bail.
2. I agree and consent to having my obligations as a suretor in that case extend to and cover Alphonse Trucchio's obligations to comply with ~~all~~ bail conditions in *this* case.

PAUL CONTE

Sworn to before me this the  
13 day of December, 2011

Maria Trinceri  
Notary Public  
MARIA TRINCERI  
Notary Public, State of New York  
No. 01TR6134227  
Qualified in Queens County  
Commission Expires September 26, 2013

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA.

(S-1) 11 Cr. 614 (VM)

-against-

-----x  
**SURETY AFFIDAVIT**

ALPHONSE TRUCCHIO, et al.

Defendants.

-----x  
STATE OF NEW YORK )  
COUNTY OF Queens ) ss.:  
-----x

PATRICIA CONTE, being duly sworn, deposes and says:

1. On September 12, 2011, I signed a \$3,000,000 bond as a suretor in *United States v. Alphonse Trucchio*, 11 Cr. 12-3 (RMB), securing defendant Trucchio's release or bail.
2. I agree and consent to having my obligations as a suretor in that case extend to and cover Alphonse Trucchio's obligations to comply with all bail conditions in this case.

Patricia Conte  
PATRICIA CONTE

Sworn to before me this the  
13 day of December, 2011

Maria Triner  
Notary Public  
MARIA TRINER  
Notary Public, State of New York  
No. 04TR6134227  
Qualified in Queens County  
Commission Expires September 26, 2013

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

(S-1) 11 Cr. 614 (VM)

-against-

**SURETY AFFIDAVIT**

ALPHONSE TRUCCCHIO, et al.

### Defendants.

STATE OF NEW YORK )  
COUNTY OF Queens ) SS.:

VINCENT MONTELLA, being duly sworn, deposes and says

Alphonse Truccio, 11 Cr. 12-3 (RMB), securing defendant Truccio's release on bail.

2. I agree and consent to having my obligations as a suretor in that case extend to and cover Alphonse Trucchio's obligations to comply with all bail conditions in this case.

Vincent Montella  
VINCENT MONTELLA

Sworn to before me this the  
14 day of December, 2011

Mark A. Fine  
Notary Public  
MARIA TROCHONSKI  
Notary Public State of New York  
No. 017E6134227  
Qualified in Ulster County  
Commission Expires September 26, 2013

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA.

(S-1) 11 Cr. 614 (VM)

**-against-**

**SURETY AFFIDAVIT**

ALPHONSE TRUCCCHIO, et al.

**Defendants.**

STATE OF NEW YORK )  
COUNTY OF Queens ) ss.:

**ASSUNTO AGOSTINELLI**, being duly sworn, deposes and says:

1. On September 12, 2011, I signed a \$3,000,000 bond as a suretor in *United States v. Alphonse Trucchio*, 11 Cr. 12-3 (RMB), securing defendant Trucchio's release on bail.
2. I agree and consent to having my obligations as a suretor in that case extend to and cover Alphonse Trucchio's obligations to comply with all bail conditions in this case.

ASSUNTO AGOSTINELLI

Sworn to before me this the  
13 day of December, 2011

## Notary Public

PRINCETON  
LIBRARY  
NEW YORK  
1913-1922  
PRINTED  
SEPTEMBER 20, 1924

MARIA TRINCER  
Notary Public State of New York  
No. 01TR6134227  
Qualified in Queens County  
Commission Expires September 26, 2013

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA, :

(S-1) 11 Cr. 614 (VM)

-against- :

: **SURETY AFFIDAVIT**

ALPHONSE TRUCCHIO, et al. :

Defendants. :

-----x  
STATE OF NEW YORK )  
COUNTY OF Queens ) ss.:

ROSALIA AGOSTINELLI, being duly sworn, deposes and says:

1. On September 12, 2011, I signed a \$3,000,000 bond as a suretor in *United States v. Alphonse Trucchio*, 11 Cr. 12-3 (RMB), securing defendant Trucchio's release on bail.
2. I agree and consent to having my obligations as a suretor in that case extend to and cover Alphonse Trucchio's obligations to comply with all bail conditions in this case.

Rosalie Agostinelli  
ROSALIA AGOSTINELLI

Sworn to before me this the  
13 day of December, 2011

Maria Jincer

Notary Public N.Y.  
Notary No. 00000000000000000000000000000000  
Queens County  
Commissioned December 26, 2011 13

1C94TRUEXcerpt EXCERPT

1 UNITED STATES DISTRICT COURT  
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x  
2  
3 UNITED STATES OF AMERICA

4 v.

4 11CR614 (VM)

5 **ALPHONSE TRUCCHIO, et al.,**

6 Defendants.

7 -----x  
7  
8 New York, NY  
8 **December 9, 2011**  
9 (EXCERPT)

10 Before:

11 **HON. VICTOR MARRERO**

12 District Judge

13 APPEARANCES

14 PREET BHARARA

14 United States Attorney for the  
15 Southern District of New York

15 **JONATHAN COHEN**

16 **MICHAEL FERRARA**

16 **Assistant United States Attorneys**

17 **GERALD McMAHON**

18 **Attorney for Defendant Alphonse Trucchio**

19 CURTIS FARBER

19 Attorney for Defendant Christine Gunning

20 FRANCISCO CELEDONIO

21 Attorney for Defendant Richard Gutowski  
21 (for this proceeding only)

22  
23  
24  
25 SOUTHERN DISTRICT REPORTERS, P.C.  
(212) 805-0300

1C94TRUEXERP

EXCERPT

1 THE COURT: Two attorneys indicated they had something  
2 different on behalf of their clients than everybody else.

3 MR. CELEDONIO: If I may, if the court recalls, I am  
4 standing in for Mr. Richard Gutowski. His counsel is not here;  
5 he has not retained counsel. His bail conditions are set to be  
6 met this coming Wednesday. He asks that I request the court to  
7 extend that date until Friday since he does not have counsel  
8 and he doesn't know exactly what the parameters are. So  
9 if the court could at least orally, I believe the government  
10 will consent, permit the bail conditions for Mr. Gutowski to be  
11 met by December 16, a week from today, he would greatly  
12 appreciate it.

13 MR. J. COHEN: The government would not object to  
14 that.

15 MR. CELEDONIO: Thank you, your Honor.

16 MR. FARBER: For Christine Gunning, two matters I  
17 discussed with the government already. One, right now there is  
18 going to be a requirement of three financially responsible  
19 individuals to sign my client's been. She has two. The  
20 application is going to be made to reduce the number from three  
21 to two for the number of required signers on the bottom.

22 Second, my client has certain medical issues that  
23 require her to see a physician in Pennsylvania on a regular  
24 basis. The application is to expand her travel permanently to  
25 allow her to go to the District of Pennsylvania, the Scranton

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1C94TRUEXcerpt

EXCERPT

1 area, so she can see her doctor as needed.

2 THE COURT: Mr. Cohen.

3 MR. J. COHEN: The government would not object to  
4 those two applications. The government is not sure standing  
5 here which district of Pennsylvania Scranton is in.

6 MR. FARBER: I believe it's the eastern, but I am not  
7 sure.

8 THE COURT: Whatever district it is, you are talking  
9 about specifically about Scranton, Pennsylvania.

10 MR. FARBER: Yes.

11 THE COURT: It's the Middle District.

12 MR. FARBER: Thank you.

13 THE COURT: Thank you.

14 MR. McMAHON: Your Honor, on behalf of Alphonse  
15 Trucchio. He is a defendant in a case before Judge Berman,  
16 indictment number 11CR12. The bail package here that  
17 Mr. Trucchio was released on was the same bail as was posted  
18 before Judge Berman which is a \$3 million bond secured by  
19 \$500,000 and real estate. There are five co-signers on that  
20 bond.

21 My application, your Honor, because some of these  
22 co-signers are elderly, is to have them each sign surety  
23 affidavits saying that they agree that their obligations under  
24 the Judge Berman bonds would also cover Mr. Trucchio's bail  
25 conditions here in this case before your Honor. I have advised

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1C94TRUEXcerpt

EXCERPT

1 the government of the nature of this request. I would ask your  
2 Honor to authorize that.

3 THE COURT: Mr. Cohen.

4 MR. J. COHEN: Yes, your Honor. Certainly if the  
5 magistrate court has no issues, if the clerks there have no  
6 issues doing that, the notarized continuation of bail  
7 conditions from the other case is not objectionable to the  
8 government.

9 THE COURT: It will be so ordered contingent upon  
10 those circumstances being complied with.

11 MR. McMAHON: I went to the magistrates clerk office  
12 first. They said they didn't have any problem with it so long  
13 as your Honor had no problem with it. I assumed that when I  
14 spoke to the government, that that would be appropriate.

15 THE COURT: It will be done on consent of the  
16 government.

17 MR. McMAHON: Thank you.

18 THE COURT: Thank you.

19 MR. J. COHEN: Thank you, your Honor.

20 - - -

21 SOUTHERN DISTRICT REPORTERS, P.C.  
22 (212) 805-0300

23  
24  
25

\$3 MILLION PRB. CO-SIGNED BY 6 FINANCIAL RESPONSIBLE PERSONS SECURED BY THE FOLLOWING FOUR PROPERTIES:  
(1) 36 PIPER DRIVE, ALBERTSON, N.Y. 11507; (2) 161-47 84 STREET, HOWARD BEACH, N.Y. 11414; (3) 135-47 120 STREET, S. OZONE PARK, N.Y. 11420 AND (4) 130-27 115 STREET, S. OZONE PARK, N.Y. 11420. THE BOND ALSO NEEDS TO BE SECURED BY ADDITIONAL PROPERTY OR CASH IN THE APPROXIMATE AMOUNT OF \$500,000. STRICT PRETRIAL SUPERVISION WITH WEEKLY IN PERSON REPORTING. HOME CONFINEMENT WITH ELECTRONIC MONITORING - SEE TRANSCRIPT FOR ALLOWABLE OUT OF HOME ACTIVITY (E.G. CHURCH). TRAVEL RESTRICTED TO SDNY & EDNY. SURRENDER PASSPORT & NO NEW APPLICATIONS. DEFT MAY MEET WITH ATTORNEY'S; ATTEND COURT APPEARANCES; ATTEND TO PERSONAL MEDICAL EMERGENCIES, AND RELIGIOUS SERVICES. DEFT SHALL HAVE NO CONTACT/NO MEETINGS/ NO CONVERSATIONS WITH CO-DEFTS, WITNESSES AND/OR VICTIMS WITHOUT COUNSEL PRESENT. DEFT SHALL HAVE NO CONTACT/NO MEETINGS/NO CONVERSATIONS WITH CONVICTED FELONS OR THOSE ENGAGED IN CRIMINAL ACTIVITY. DEFT SHALL NOT POSSESS OR USE A CELL PHONE. DEFT SHALL NOT POSSESS CASH IN EXCESS OF \$750.00. DEFT MAY BE RELEASED UPON THE SIGNATURE OF 2 CO-SIGNERS & HIS SIGNATURE AND ELECTRONIC MONITORING IN PLACE. OTHER CONDITIONS TO BE MET BY 9/16/11.  
AO 100 (Rev. 06/09) Agreement to Forfeit Real Property to Obtain a Defendant's Release

UNITED STATES DISTRICT COURT  
for the

Southern District of New York

United States of America )  
v. )  
 )  
ALPHONSE TRUCCHIO ) Case No. 11 CR. 12 -3 (RMB)  
Defendant )

**AGREEMENT TO FORFEIT REAL PROPERTY TO OBTAIN A DEFENDANT'S RELEASE**

To obtain the defendant's release, we jointly and severally agree that we and our personal representatives, jointly and severally, are bound to pay the United States of America the sum of

\$ 3,000,000 secured by \$ 500,000 in cash and/or PROPERTIES (describe other security) if this defendant fails to appear as required for any court proceeding or for the service of any sentence imposed as may be noticed or ordered by any court, or fails to comply with any conditions of release set by the court considering this matter.

*Ownership.* We declare under penalty of perjury that we are this property's sole owners and that it is not subject to any claim, lien, mortgage, or other encumbrance except as disclosed above. We promise not to sell, mortgage, or otherwise encumber the property, or do anything to reduce its value while this agreement is in effect. We deposit with the court the following ownership documents, including any encumbrance documents (*list all documents and submit as attachments*):

*Surety Information.* We understand that the court and the United States of America will rely on the surety information in approving this agreement.

*Conditions of Release.* We state that we have either read all court-ordered conditions of release imposed on the defendant or had them explained to us.

*Continuing Agreement.* Unless the court orders otherwise, this agreement remains in effect during any appeal or other review until the defendant has satisfied all court notices, orders, and conditions.

*Exoneration of Sureties.* This agreement is satisfied and ends if the defendant is exonerated on all charges or, if convicted, the defendant reports to serve any sentence imposed.

*Forfeiture.* If the defendant fails to obey all conditions of release, court notices, and orders to appear, the court will immediately order the property forfeited and on motion of the United States of America may order a judgment of forfeiture against the signing parties and their representatives, jointly and severally, including interest and costs.

I swear under penalty of perjury that the above information is true and agree to the conditions of this agreement.

Date: \_\_\_\_\_

ALPHONSE TRUCCHIO

Defendant (if a property owner)

City and state: NEW YORK, N.Y.

Property owner's signature



Property owner's signature

**PAUL CONTE**  
Property owner's printed name

**PATRICIA CONTE**  
Property owner's printed name

**VINCENT MONTELLA**  
Property owner's printed name

**ASSUNTO AGOSTINELLI**  
Property owner's printed name

**ROSALIA AGOSTINELLI**  
Property owner's printed name

Property owner's printed name

Property owner's signature

Sworn and signed before me.

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date: Sep 12, 2011

UNITED STATES OF AMERICA

Agreement accepted.

DANIEL CHUNG

Date: Sep 12, 2011

Assistant United States Attorney's signature

Agreement approved.

Date: \_\_\_\_\_

Judge's signature